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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,489	03/08/2001	Isao Iwaguchi	1081.1111/JDH	2199

21171 7590 12/22/2004

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EXAMINER

REAGAN, JAMES A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/800,489

Applicant(s)

IWAGUCHI ET AL.

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 6-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, and 6-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in response to the amendment filed on 30 September 2004.
2. Claims 1, 3, and 6-17 have been amended.
3. Claims 2, 4, and 5 have been cancelled.
4. Claims 18-21 have been added.
5. Claims 1, 3, and 6-21 have been examined.

### **Previous Claim Objections**

6. Claims 1 and 9 were objected to because of informalities. The Examiner thanks the Applicant for correcting the minor deficiencies in the claim language and hereby withdraws the objections.

### **Previous Claim Rejections - 35 USC § 112**

7. Claims 1-8 were rejected under 35 USC § 112. The Examiner thanks the Applicant for correcting the minor deficiencies in the claim language and hereby withdraws the rejections under 35 USC § 112.

## **RESPONSE TO ARGUMENTS**

8. Applicant's arguments received on have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further

clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

With regard to the limitations of claim 1, Applicant argues that there is no teaching or suggestion in the cited reference of a calculation or a processing of a settlement as in the recitations of the claims. The Examiner respectfully points to the Applicant's specification. In the background the Applicant discloses that this is a known step during a POS transaction.

#### **Claim Rejections - 35 USC § 102**

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 13, 4, 6-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Smith et al. (US 6,487,540 B1).

**Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the

claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Claims 1, 9, and 17:**

With regard to the limitations of:

- *calculating goods settlement information from goods information of goods purchased by a user and processing a settlement;*
- *sending goods purchase information, including said goods settlement information, to a mobile terminal of said user, and storing the goods purchase information in said mobile terminal to communicate with a processing device of said user;*
- *settlement means for calculating the goods settlement information from goods information for goods purchased by an user and for processing the settlement; communication means for sending goods purchase information, including said goods settlement information, to a mobile terminal of said user to communicate with a processing device for said user;*
- *reading the goods information for the goods purchased by said user using a reader on said settlement device;*
- *a settlement unit calculating goods settlement information from goods information for goods purchased by a user and processing a settlement;*
- *a communication unit sending goods purchase information, including said goods settlement information, to a mobile terminal of said user to communicate with a processing device of said user;*
- *a reading unit reading bar codes found in goods;*
- *a transferring unit transferring said read bar codes to an automatic product settlement device;*

- *a receiving unit receiving goods purchase information from said automatic product settlement device;*
- *a sending unit sending said received goods purchase information to a mobile information terminal.*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51. The use of the Wireless Application Protocol (WAP) in this case reads on Applicants use of a prompt between units to signal transfer of data.

**Claims 3 and 11:**

See the rejections of claim 1 above. With regard to the limitations of:

- *requesting said goods purchase information from said reader to said register terminal.*
- *requesting said goods purchase information from said register terminal to said reader.*
- *sending said received goods purchase information to said terminal from said reader.*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51.

**Claims 6 and 7:**

See the rejections of claim 1 above.

**Claims 8 and 16:**

See the rejections of claim 1 above. With regard to the limitations of:

- *receiving payment information from said mobile terminal and processing said settlement in response to said settlement request;*

- *said settlement unit receives payment information from said mobile terminal and processes said settlement.*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51.

**Claim 10:**

With regard to the limitations of:

- *a reader for reading goods information of the goods purchased by said user;*
- *a register terminal calculating the goods settlement information from said read goods information and processing the settlement.*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51.

**Claim 12:**

With regard to the limitations of:

- *said register terminal sends said goods purchase information to said mobile terminal*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51.

**Claims 13-15:**

With regard to the limitations of:

- *said settlement unit transfers said goods settlement information to said mobile terminal in response to a prompt from a unit prompting calculation of said goods settlement information.*

- *said settlement unit transfers said goods settlement information to said mobile terminal in response to a prompt from a unit prompting transfer of said goods settlement information.*
- *said settlement unit transfers said goods settlement information to said mobile terminal in response to a prompt from a unit prompting reception by said mobile terminal.*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51. The use of the Wireless Application Protocol (WAP) in this case reads on Applicants use of a prompt between units to signal transfer of data.

**Claims 18-20:**

With regard to the limitations of:

- *sending a send enable signal to said mobile terminal from said reader when said reader*
- *reads a barcode of said goods;*
- *transmitting a received request to said reader from said register terminal in response to*
- *said send enable signal', and*
- *requesting said goods purchase information from said reader to said register terminal in*
- *response to said receive request.*
- *authorizing a sent user from said payment information, and*
- *processing said settlement according to said authorized result.*
- *processing settlement according to a withdrawal account of said payment information.*



See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51. The use of the Wireless Application Protocol (WAP) in this case reads on Applicants use of a prompt between units to signal transfer of data.

**Claim 21:**

See the rejections of claim 1 above.

**Conclusion**

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
12. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to:

**(703) 305-7687** [Official communications; including

After Final communications labeled "Box AF"]

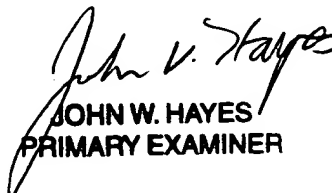
**(703) 308-1396** [Informal/Draft communications, labeled "PROPOSED"

or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

JAR

15 December 2004

  
**JOHN W. HAYES**  
**PRIMARY EXAMINER**